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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

7937 SONG THRUSH TRUST,

Plaintiff

v.

THE BANK OF NEW YORK MELLON, et
al.,

Defendants

Case No.: 2:18-cv-02184-APG-BNW

**Order Granting Motion to Extend Time to
File Notice of Appeal**

[ECF No. 34]

On March 19, 2020, judgment was entered against plaintiff 7937 Song Thrush Trust (Trust) after I dismissed its complaint. ECF Nos. 26, 27. The Trust filed its Notice of Appeal one day late. ECF No. 31. The Trust now moves for an extension of the appeal deadline so its notice of appeal will be deemed timely. ECF No. 34. Defendant The Bank of New York Mellon (BONY) has not filed an opposition.

The Trust's late filing was due to its counsel's excusable neglect. Counsel did not notice the deadline on his calendar system until the day after the deadline, the notice of appeal was filed immediately after the error was discovered, there is no evidence of bad faith, and BONY is not prejudiced by this one-day delay. *See M.D. by & through Doe v. Newport-Mesa Unified Sch. Dist.*, 840 F.3d 640, 642 (9th Cir. 2016) (listing relevant factors of excusable neglect). Good cause exists to extend the deadline and deem the Trust's notice of appeal as timely filed.

I THEREFORE ORDER that the plaintiff's motion to extend time (**ECF No. 34**) is **granted**.

DATED this 18th day of May, 2020.


ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE